

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:20-cv-00141-M

KIMBERLY ERWAY, as Parent of Minor)
Child J.E.,)
Plaintiff,)
v.)
UNITED STATES TRANSPORTATION)
SECURITY ADMINISTRATION, UNITED)
STATES OF AMERICA, and JANE DOE,)
an Employee of the United States)
Transportation Security Administration,)
Defendants.)

ORDER

In addition to the claims the court dismissed last week [see DE-17], Plaintiff Kimberly Erway's complaint contains a claim brought pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) against Defendant Jane Doe seeking money damages for Doe's alleged violation of her minor child J.E.'s¹ rights under the Fourth Amendment to the United States Constitution. [DE-1]

It does not appear from the docket in this case that Doe was served with process within the 90-day period contemplated by the Federal Rules of Civil Procedure, as required. *See* Fed. R. Civ. P. 4(i)(3), -(m). The docket also does not reflect that Plaintiff has moved the court to extend her deadline to effectuate service. As a result, the court DISMISSES Plaintiff's *Bivens* claim against Doe for failure to timely

¹ The child's initials are used to protect the child's identity. See Fed. R. Civ. P. 5.2; Local Rule 17.1(c).

effectuate service of process. Fed. R. Civ. P. 4(m). All other motions on the docket in this case are DENIED AS MOOT, and the clerk is instructed to close the case.

SO ORDERED this the 20 day of November, 2020.


RICHARD E. MYERS II
UNITED STATES DISTRICT JUDGE